APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,171	07/02/2001	David L. Huie	9326.002.00	9506

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MCKENNA LONG & ALDRIDGE LLP
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EXAMINER
TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 June 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41,43-52 and 54-82* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41,43-52 and 54-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 July 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-6, 10-20, 65-74 and 80-82 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Akinpelu et al (5,475,749 hereinafter Akinpelu) in view of

Roadifer et al (6,430,277 hereinafter Roadifer) further in view of Nimmagadda et al

(6,130,941 hereinafter Nimmagadda).

Regarding claims 1 and 81-82. Akinpelu discloses the U.S. telecommunications

network is in a state of transition. During the next several years it is expected that the

monopoly held by local exchange carriers will be substantially altered and that

competitive access providers (CAPs) will begin to offer customer access to the inter-

exchange carriers, local exchange service, or both. Akinpelu also discloses that in

order to accomplish this goal, location number portability is provided (columns 1-4 and

figure 1). Akinpelu discloses accommodates ported directory numbers via a location

routing number (LRN) scheme in which each central office switch in the public-switched

telephone network is identified by a unique set of "NPA-NXX" digits (columns 3-7).

Roadifer teaches a method and system for determining switchless resellers that

use toll free destination numbers (i.e. "800", "877" or "888" "1010-xxx", col. 7 line 59 –

col. 8 line 4) and according to the Federal Communications Commission requires that

the owner of the number compensate the owner of the equipment used for completing

the telephone call (col. 1 lines 15-63). Roadifer determines the CIC (i.e. Carrier

Identification Code) associated with each call based on ANI-related information. Once

the CIC is known, another database is accessed to determine the known owner of the

CIC so that the owner of the equipment may be compensated (col. 2 lines 3-12).

Roadifer discloses using a database to store the CIC and associated ANI-related

information (see database 66 figure 2). Roadifier discloses database 66 also contains

information for a large private pay phone vender having separate entities with which it

contracts to handle the pay telephones of those separate entities (col. 5 lines 18-37).

Roadifer discloses database 66 information is segregated into switchless resellers

destination numbers (e.g. "800," "888," "877," "950" or "1010" number or the like buy

using parser (see parser 64 figure 2, col. 9 lines 29-37).

Akinpelu in view of Roadifer is silent with respect to processing telephone

numbers prior to connecting the call.

Nimmagadda also teaches method and system for providing access and control

for telephone information databases access rights (abstract). Nimmagadda teaches

controlling access of switchless resellers (see columns 1-4). For example, when credit

card call is made, the call is first suspended to determine if reseller has permission to

access database (col. 5 line 50 – col. 6 line 13). The same is true for collect calls (col. 6

lines 14-33).

Therefore, it would have been obvious for any one of ordinary skill in the art at

the time of the invention to utilize the teachings of Nimmagadda into the teachings of

Akinpelu and Roadifer in order to suspend telephone calls so that only certain networks

receive proprietary customer information.

Regarding claims 2-3. Nimmagadda teaches blocking telephone call (col. 5 line

50 – col. 6 line 33).

Regarding claims 4-6. Akinpelu in view of Roadifier is silent with respect to

redirecting the telephone call to an operator.

Nimmagadda also teaches method and system for providing access and control

for telephone information databases access rights (abstract) and if network has access

rights the query is routed to database location. Nimmagadda teaches controlling

access of switchless resellers (see columns 1-4). For example, when credit card call is

made, the call is first suspended to determine if reseller has permission to access

database (col. 5 line 50 – col. 6 line 13). The same is true for collect calls (col. 6 lines

14-33).

Therefore, it would have been obvious for any one of ordinary skill in the art at

the time of the invention to utilize the teachings of Nimmagadda into the teachings of

Akinpelu and Roadifer in order to suspend telephone calls so that only certain networks

receive proprietary customer information.

Regarding claim 10. Roadifer teaches CDR (see col. 1 lines 40-63).

Regarding claims 11-13, 65, 70 and 80. Akinpelu discloses the U.S.

telecommunications network is in a state of transition. During the next several years it

is expected that the monopoly held by local exchange carriers will be substantially

altered and that competitive access providers (CAPs) will begin to offer customer

access to the inter-exchange carriers, local exchange service, or both. Akinpelu also

discloses that in order to accomplish this goal, location number portability is provided

(columns 1-4 and figure 1). Akinpelu discloses accommodates ported directory

numbers via a location routing number (LRN) scheme in which each central office

switch in the public-switched telephone network is identified by a unique set of "NPA-

NXX" digits (columns 3-7).

Roadifer teaches a method and system for determining switchless resellers that

use toll free destination numbers (i.e. "800", "877" or "888" "1010-xxx", col. 7 line 59 –

col. 8 line 4) and according to the Federal Communications Commission requires that

the owner of the number compensate the owner of the equipment used for completing

the telephone call (col. 1 lines 15-63). Roadifer determines the CIC (i.e. Carrier

Identification Code) associated with each call based on ANI-related information. Once

the CIC is known, another database is accessed to determine the known owner of the

CIC so that the owner of the equipment may be compensated (col. 2 lines 3-12).

Roadifer discloses using a database to store the CIC and associated ANI-related

information (see database 66 figure 2). Roadifier discloses database 66 also contains

information for a large private pay phone vender having separate entities with which it

contracts to handle the pay telephones of those separate entities (col. 5 lines 18-37).

Roadifer discloses database 66 information is segregated into switchless resellers

destination numbers (e.g. "800," "888," "877," "950" or "1010" number or the like buy

using parser (see parser 64 figure 2, col. 9 lines 29-37).

Akinpelu in view of Roadifer is silent with respect to determining billing

relationship between carriers.

Nimmagadda also teaches method and system for providing access and control

for telephone information databases access rights (abstract). Nimmagadda teaches

controlling access of switchless resellers (see columns 1-4). For example, when credit

card call is made, the call is first suspended to determine if reseller has permission to

access database (col. 5 line 50 – col. 6 line 13). The same is true for collect calls (col. 6

lines 14-33).

Therefore, it would have been obvious for any one of ordinary skill in the art at

the time of the invention to utilize the teachings of Nimmagadda into the teachings of

Akinpelu and Roadifer in order to suspend telephone calls so that only certain networks

receive proprietary customer information.

Regarding claims 14-15. Nimmagadda teaches collect and third party call (col. 5

line 50 – col. 6 line 13).

Regarding claims 16-17, 66-69 and 71-74. Akinpelu in view of Roadifer is silent with respect to blocking telephone number.

Nimmagadda also teaches method and system for providing access and control for telephone information databases access rights (abstract). Nimmagadda teaches controlling access of switchless resellers (see columns 1-4). For example, when credit card call is made, the call is first suspended to determine if reseller has permission to access database (col. 5 line 50 – col. 6 line 13). The same is true for collect calls (col. 6 lines 14-33).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Nimmagadda into the teachings of Akinpelu and Roadifer in order to suspend telephone calls so that only certain networks receive proprietary customer information.

Regarding claims 18-19. Akinpelu in view of Roadifier is silent with respect to redirecting the telephone call to an operator.

Nimmagadda also teaches method and system for providing access and control for telephone information databases access rights (abstract) and if network has access rights the query is routed to database location. Nimmagadda teaches controlling access of switchless resellers (see columns 1-4). For example, when credit card call is made, the call is first suspended to determine if reseller has permission to access database (col. 5 line 50 – col. 6 line 13). The same is true for collect calls (col. 6 lines 14-33).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Nimmagadda into the teachings of Akinpelu and Roadifer in order to suspend telephone calls so that only certain networks receive proprietary customer information.

Regarding claim 20. Roadifer teaches CDR (see col. 1 lines 40-63).

2.   Claims 7-9, 21-41, 43-52, 54-64 and 75-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akinpelu et al (5,475,749 hereinafter Akinpelu) in view of Roadifer et al (6,430,277 hereinafter Roadifer) and Nimmagadda et al (6,130,941 hereinafter Nimmagadda) further in view of Winstead et al (6,430,274 hereinafter Winstead).

Regarding claims 7-9. Akinpelu in view of Roadifer and Nimmagadda is silent with respect to blocking collect calls.

Winstead teaches validation query based on supervisory signal wherein the telephone system delays authorization validation queries until after a called party accepts a telephone call. Winstead discloses that queries are avoided not only in cases where the called party line is busy or not answering, but also in cases where the called party declines to accept the charges (columns 1-10). Winstead discloses that while Line Information Databases (LIDBs) reduce losses associated with alternative billing

schemes, they come with a heavy price because every validation query, regardless of

whether authorization is granted, the phone company is charged a query fee and for

some telephone companies these fees can run into the tens of millions of dollars per

month. Winstead discloses that correctional facilities are of great concern because a

great number of "collect" calls are made from them and correctional facility phones are

notoriously known for a high rate of premature terminated calls. Since each LIBs query

is billable to the requesting telephone company, a large number of LIDB charges are

incurred without a subsequent billable event. Therefore, when a caller initiates a collect

call, a local Negative database is queried, then a local Fraud or BNS database query is

executed, then followed by a query to an external LIDB. Winstead discloses that the

present invention eliminates most if not all of the aboved-described unnecessary LIDB

and Fraud database queries by delaying such queries at least until the called party

accepts the collect call charges (columns 5-7).

Therefore, it would have been obvious for any one of ordinary skill in the art at

the time of the invention to modify the number portability databases as taught by

Akinpelu in view of Roadifer and Nimmagadda to further include fraud or BNS database

authorization validation as taught by Winstead for the benefit of blocking telephone

numbers that have a negative payment history.

Regarding claims 21-24, 27-28, 29-32, 35-39, 41, 44-47, 49-50, 56-59 and 61-62.

Akinpelu discloses the U.S. telecommunications network is in a state of transition.

During the next several years it is expected that the monopoly held by local exchange

carriers will be substantially altered and that competitive access providers (CAPs) will

begin to offer customer access to the inter-exchange carriers, local exchange service,

or both. Akinpelu also discloses that in order to accomplish this goal, location number

portability is provided (columns 1-4 and figure 1). Akinpelu discloses accommodates

ported directory numbers via a location routing number (LRN) scheme in which each

central office switch in the public-switched telephone network is identified by a unique

set of "NPA-NXX" digits (columns 3-7).

Roadifer teaches a method and system for determining switchless resellers that

use toll free destination numbers (i.e. "800", "877" or "888" "1010-xxx", col. 7 line 59 –

col. 8 line 4) and according to the Federal Communications Commission requires that

the owner of the number compensate the owner of the equipment used for completing

the telephone call (col. 1 lines 15-63). Roadifer determines the CIC (i.e. Carrier

Identification Code) associated with each call based on ANI-related information. Once

the CIC is known, another database is accessed to determine the known owner of the

CIC so that the owner of the equipment may be compensated (col. 2 lines 3-12).

Roadifer discloses using a database to store the CIC and associated ANI-related

information (see database 66 figure 2). Roadifier discloses database 66 also contains

information for a large private pay phone vender having separate entities with which it

contracts to handle the pay telephones of those separate entities (col. 5 lines 18-37).

Roadifer discloses database 66 information is segregated into switchless resellers

destination numbers (e.g. "800," "888," "877," "950" or "1010" number or the like buy

using parser (see parser 64 figure 2, col. 9 lines 29-37).

Nimmagadda also teaches method and system for providing access and control

for telephone information databases access rights (abstract) and if network has access

rights the query is routed to database location. Nimmagadda teaches controlling

access of switchless resellers (see columns 1-4). For example, when credit card call is

made, the call is first suspended to determine if reseller has permission to access

database (col. 5 line 50 – col. 6 line 13). The same is true for collect calls (col. 6 lines

14-33).

However, Akinpelu in view of Roadifer and Nimmagadda is silent with respect to

detecting fraud related to collect calls.

Winstead teaches validation query based on supervisory signal wherein the

telephone system delays authorization validation queries until after a called party

accepts a telephone call. Winstead discloses that queries are avoided not only in cases

where the called party line is busy or not answering, but also in cases where the called

party declines to accept the charges (columns 1-10). Winstead discloses that while

Line Information Databases (LIDBs) reduce losses associated with alternative billing

schemes, they come with a heavy price because every validation query, regardless of

whether authorization is granted, the phone company is charged a query fee and for

some telephone companies these fees can run into the tens of millions of dollars per

month. Winstead discloses that correctional facilities are of great concern because a

great number of "collect" calls are made from them and correctional facility phones are

notoriously known for a high rate of premature terminated calls. Since each LIBs query

is billable to the requesting telephone company, a large number of LIDB charges are incurred without a subsequent billable event. Therefore, when a caller initiates a collect call, a local Negative database is queried, then a local Fraud or BNS database query is executed, then followed by a query to an external LIDB. Winstead discloses that the present invention eliminates most if not all of the above-described unnecessary LIDB and Fraud database queries by delaying such queries at least until the called party accepts the collect call charges (columns 5-7).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the number portability databases as taught by Akinpelu in view of Roadifer and Nimmagadda to further include fraud or BNS database authorization validation as taught by Winstead for the benefit of blocking telephone numbers that have a negative payment history.

Regarding claims 25, 33, and 40. Akinpelu is silent with respect to redirecting the telephone call to an operator.

Nimmagadda also teaches method and system for providing access and control for telephone information databases access rights (abstract) and if network has access rights the query is routed to database location. Nimmagadda teaches controlling access of switchless resellers (see columns 1-4). For example, when credit card call is made, the call is first suspended to determine if reseller has permission to access

database (col. 5 line 50 – col. 6 line 13). The same is true for collect calls (col. 6 lines 14-33).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Nimmagadda into the teachings of Akinpelu and Roadifer in order to suspend telephone calls so that only certain networks receive proprietary customer information.

Regarding claim 26 and 34. Nimmagadda teaches alternative billing (see credit card used column 5 line 55). Winstead teaches alternative billing (col. 6 lines 47-49)

Regarding claims 43, 51-52, 54, and 63-64. Winstead teaches validating credit account, credit history, credit score (col. 1 lines 19-67, col. 2 lines 1-67, col. 3 lines 1-67 and columns 5-8).

Regarding claims 48, 55, and 60. Winstead teaches validating credit account that inherently and/or obviously uses credit information before collect call is allowed to be made (col. 1 lines 19-67, col. 2 lines 1-67, col. 3 lines 1-67 and columns 5-8).

Regarding claims 75-79. Winstead teaches validating credit account, credit history, etc (col. 1 lines 19-67, col. 2 lines 1-67, col. 3 lines 1-67 and columns 5-8).

Response to Arguments

3.   Applicant's arguments with respect to claims 1-41, 43-52 and 54-82 have been considered but are moot in view of the new ground(s) of rejection.

4.   **Any response to this action should be mailed to:**

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231
> **or faxed to:**
> (703) 872 9314,
> (for informal or draft communications, please label "PROPOSED" or
"DRAFT")
> Hand-delivered responses should be brought to Crystal Park II, 2121
> Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (703) 305-4811, who is available Monday-Friday, 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (703) 305-4708. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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